

**SAMPSON & ASSOCIATES**  
Bryan D. Sampson, Esq. (State Bar No. 143143)  
2139 First Avenue  
San Diego, California 92101  
(619) 557-9420/Fax 557-9425

Attorneys for Secured Creditor PROULX

FILED  
CO. JUN 10 PM 2:07  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIF.

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**


In re:	}	BANKRUPTCY CASE NO: 99-33191-B7
SARA NEWSOME BURNS,		<b>INDEX OF EXHIBITS IN SUPPORT OF OPPOSITION TO DEBTOR'S OBJECTION AND MOTION TO AVOID JUDICIAL LIEN PURSUANT TO 11 U.S.C. §523(f)</b>
Debtor.		DATE: 1/31/00 TIME: 10:30 a.m. CTRM: 4 JUDGE: Peter W. Bowie

<b><u>EXHIBIT #</u></b>	<b><u>DESCRIPTION</u></b>
"1"	State Court Judgment
"2"	Abstract of Judgment and Secretary of State Liens
"3"	Notice of Levy
"4"	Turnover Order for Qui Tam Monies
"5"	Debtor BURNS' Chapter 13 petition, filed 1-25-99
"6"	Order to Dismiss Chapter 13 Action
"7"	Bankruptcy Court Order denying Debtor BURNS' Motion for Stay
"8"	9 <sup>th</sup> Circuit Order denying of Debtor BURNS' request for Stay
"9"	Notice of Filing of Appeal

DATED:

**SAMPSON & ASSOCIATES**

By:

  
Bryan D. Sampson  
Attorney for Secured Creditor/Plaintiff  
BRADLEY PROULX



**E I L E D**  
 KENNETH E. MARTONE  
 Clerk of the Superior Court

OCT 30 1998

MCef

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF SAN DIEGO**

BRADLEY PROULX,

Plaintiff,

v.

SARA NEWSOME BURNS,

Defendant.

CASE NO. 711064

**JUDGMENT**

The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest: **JAN 13 1999**

**KENNETH E. MARTONE**

Clerk of the Superior Court of the State of California,  
 In and for the County of San Diego.

By *Mary E. [Signature]* Deputy

This cause came on for hearing on June 15, 1998, in Department M-25 of the above-entitled court, the Honorable Timothy W. Tower, Judge, presiding. Plaintiff appeared by his attorney T. Michael Reed, and defendant appeared by her attorneys David Tiffany and Randy Grossman.

Jury was waived. Witnesses on the part of both plaintiffs and defendants were sworn and examined. After hearing the evidence and the arguments of counsel, the court subsequently rendered a Statement of Decision as follows: See Statement of Decision attached as Exhibit 1.

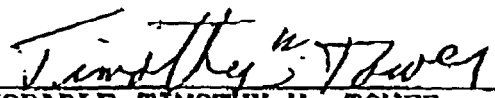
WHEREFORE, by virtue of law, and by reason of the premises aforesaid, it is ordered, adjudged, and decreed that plaintiff

1 BRADLEY PROULX has and recovers from defendant the sums as  
2 follows:

3 One-third of \$580,000.00 or \$193,333.33 to be paid pro rata  
4 as the government pays defendant, plus \$22,267.50 together with  
5 interest thereon from July 29, 1991 to the present at the rate  
6 of 10% per annum, without compounding, in the amount of  
7 \$15,861.78.

8 Interest, costs and disbursements are to be determined.

9 WITNESS, the Honorable Timothy W. Tower, Judge of this  
10 Court, and my hand and seal of this Court, this 30<sup>th</sup> day of  
11 October  
~~September~~, 1998.

12  
13  
14   
15 HONORABLE TIMOTHY W. TOWER  
16 Sitting as Judge of the Superior  
17 Court

18 Approved as to form:

19  
20 Attorneys for Defendant  
21  
22  
23  
24  
25  
26  
27  
28



PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

Timothy Reed Esq.  
Esq. Gerry Reed & Schenk  
AND WHEN RECORDED MAIL TO:  
Casey Gerry Reed & Schenk  
110 Laurel St.

San Diego, CA  
92101

DOC # 1998-0725547

545

NOV 06, 1998 12:15 PM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER

FEES: 13.50  
NOTICES: 1

THIS SPACE FOR RI



1998-0725547

Abstract of Judgment

(Please fill in document title(s) on the this line)

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(Additional recording fee applies)

546

982(a)(1)

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY <input checked="" type="checkbox"/> Recording requested by and return  T. Michael Reed, Esq.  CASEY, GERRY, REED &amp; SCHENK  110 Laurel Street  San Diego, CA 92101</p> <p>TELEPHONE: (619) 238-1911</p> <p><input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD</p> <p>NAME OF COURT: SUPERIOR COURT OF CALIFORNIA  STREET ADDRESS: County of San Diego, Central Branch  MAILING ADDRESS: 220 West Broadway  CITY AND ZIP CODE: San Diego, CA 92101  BRANCH NAME:</p> <p>PLAINTIFF: BRADLEY PROULX</p> <p>DEFENDANT: SARA NEWSOME BURNS, et al.</p>	<p>FOR RECORDER'S USE ONLY</p>
<p>ABSTRACT OF JUDGMENT</p>	<p>CASE NUMBER:</p> <p style="text-align: center; font-weight: bold;">711064</p> <p>FOR COURT USE ONLY</p>

1. The ☒ judgment creditor ☐ assignee of record applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

Sara Newsome Burns  
4621 Kensington Drive  
San Diego, CA 92116

b. Driver's license No. and state:

c. Social Security No.: 354-56-0231


d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): SEE ABOVE - PER R. BOND by HAM

☒ Unknown  
☐ Unknown

a. ☐ Additional judgment debtors are shown on reverse.

Date: November 4, 1998

T. MICHAEL REED  
(TYPE OR PRINT NAME)

  
SIGNATURE OF APPLICANT OR ATTORNEY

2. a. ☒ I certify that the following is a true and correct abstract of the judgment entered in this action.  
b. ☐ A certified copy of the judgment is attached.

3. Judgment creditor (name): Bradley Proulx

whose address appears on this form above the court's name.

4. Judgment debtor (full name as it appears in judgment):  
SARA NEWSOME BURNS

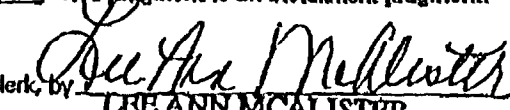
5. a. Judgment entered on (date): Oct. 30, 1998  
b. Renewal entered on (date):  
c. Renewal entered on (date):

6. Total amount of judgment as entered or last renewed:  
\$ 231,462.61


7. ☐ An ☐ execution ☐ attachment lien is endorsed on the judgment as follows:  
a. Amount: \$  
b. In favor of (name and address):

8. A stay of enforcement has  
a. ☒ not been ordered by the court.  
b. ☐ been ordered by the court effective until (date):

9. ☐ This judgment is an installment judgment.

  
Clerk, by DEE ANN MCALISTER Deputy

REAL



This abstract issued on (date): NOV 6 6 1998

Secretary of State

P.O. Box 942835

Sacramento, CA 94235-0001

NOTICE OF JUDGMENT LIEN ON PERSONAL PROPERTY  
(FOR FILING IN THE OFFICE OF THE SECRETARY OF STATE)  
IMPORT: Read instructions on back before completing this form  
REFERENCE: CODE OF CIVIL PROCEDURE SECTIONS 697.51, 697.550 AND 697.570

## 1. JUDGMENT DEBTOR (LAST NAME FIRST, IF AN INDIVIDUAL)

BURNS, SARA NEWSOME

## 1A. MAILING ADDRESS OF JUDGMENT DEBTOR

4621 KENSINGTON DRIVE

## 1B. CITY, STATE

SAN DIEGO, CA

## 1C. ZIP CODE

92116

## 2. ADDITIONAL JUDGMENT DEBTOR (IF ANY) (LAST NAME FIRST, IF AN INDIVIDUAL)

## 2A. MAILING ADDRESS OF ADDITIONAL JUDGMENT DEBTOR

## 2B. CITY, STATE

## 2C. ZIP CODE

## 3. JUDGMENT CREDITOR

NAME:

BRADLEY PROULX, C/O SAMPSON &amp; ASSOCIATES

MAILING ADDRESS:

2139 FIRST AVENUE

CITY:

SAN DIEGO

STATE:

CALIFORNIA

ZIP CODE:

92101

## 4. ALL PROPERTY SUBJECT TO ENFORCEMENT OF A MONEY JUDGMENT AGAINST THE JUDGMENT DEBTOR TO WHICH A JUDGMENT LIEN ON PERSONAL PROPERTY MAY ATTACH UNDER SECTION 697.530 OF THE CODE OF CIVIL PROCEDURE IS SUBJECT TO THIS JUDGMENT LIEN.

A. Title of court where judgment was entered: SUPERIOR COURT OF CALIFORNIACOUNTY OF SAN DIEGOB. Title of the action: BRADLEY PROULX V. SARA NEWSOME BURNSC. Number of the action: 711064D. Date judgment was entered: OCTOBER 30, 1998

E. Dates of subsequent renewals of judgment (if any): \_\_\_\_\_ ; \_\_\_\_\_

F. Amount required to satisfy judgment at date of this notice: \$231,462.61G. Date of this notice: January 31, 1999

## 5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 31, 1999

(If not indicated, the date of declaration is the same as date in item 4G)

BY: SAMPSON & ASSOCIATES (PRINT NAME AND FIRM NO. 6)BY: BRYAN D. SAMPSON, ESQ.FOR: JUDGMENT CREDITOR

## 6. THIS SPACE FOR USE OF FILING OFFICER (DATE, TIME OF FILING AND FILE NUMBER)

## 7. RETURN COPY TO

NAME BRYAN D. SAMPSON, ESQ.ADDRESS SAMPSON & ASSOCIATESCITY 2139 FIRST AVENUESTATE SAN DIEGO, CA 92101

ZIP CODE \_\_\_\_\_

FILING FEE \$20.00

NOTICE OF JUDGMENT LIEN - FORM J-1 (7/83)  
PRESCRIBED BY THE SECRETARY OF STATE





F. I. L. E. L.  
KENNETH E. MARTONE  
Clerk of the Superior Court

DEC 16 1998

By: M. RADEMAKER, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA.**  
**FOR THE COUNTY OF SAN DIEGO**

14	BRADLEY PROULX,	)	CASE NO. 711064
15		)	
16	Plaintiff and	)	<b>TURNOVER ORDER IN AID OF</b>
17	Judgment Creditor,	)	<b>EXECUTION</b>
18	vs.	)	
19	SARA NEWSOME BURNS, and DOES 1	)	
20	through 20,	)	
21		)	
22	Defendants and	)	
23	Judgment Debtors.	)	

Plaintiff/Judgment Creditor BRADLEY PROULX's motion for a turnover order in aid of execution came for hearing before this Court on December 4, 1998 at 3:00 p.m. in Department 46 of the above-entitled court, Honorable Ronald S. Prager presiding. No appearances were made by counsel as the motion was set for telephonic ruling.

The Court, having considered Plaintiff and Judgment Creditor's motion for a

1 Turnover Order in Aid of Execution, the written submissions of the parties, and the files  
2 and records of the case, and good cause having been shown therefore:

3  
4 IT IS HEREBY ORDERED as follows:

5 1) Upon receipt of, or upon receiving control or possession of the following  
6 described assets or any instrument representing or relating to those assets, the Defendant  
7 and Judgment Debtor, SARA NEWSOME BURNS, and/or any person acting in concert  
8 with her or under her direction or control, including her attorneys in the instant matter,  
9 DAN LAWTON, ESQ., and RANDY GROSSMAN, ESQ., and her attorney in *United*  
10 *States ex rel Newsome v. Family Practice Associates, et al.*, Civil Action No. 91-1325-E(P)  
11 (United States District Court for the Southern District of California), JOHN J. APPEL, JR.,  
12 ESQ., shall immediately endorse and turn over, or cause to be turned over to the Marshal  
13 of San Diego County:  
14

15  
16 Any and all checks or funds received by SARA NEWSOME BURNS, DAN  
17 LAWTON, ESQ., RANDY GROSSMAN, ESQ., or JOHN J. APPEL, JR., ESQ.,  
18 which represent payment to MS. BURNS of fees due to her for her participation as  
19 a relator in *United States ex rel Newsome v. Family Practice Associates, et al.*, Civil  
20 Action No. 91-1325-E(P) (United States District Court for the Southern District of  
21 California) and ordered paid to MS. BURNS pursuant to the Order on Stipulation  
22 for Order Modifying Settlement Agreement, dated July 1, 1997, in *U.S. ex rel*  
23 *Newsome v. Family Practice Associates, supra.*

24  
25 2) Neither the Defendant and Judgment Debtor, SARA NEWSOME BURNS,  
26 nor any person acting in concert with her or under her direction or control, including her  
27  
28

1 attorneys in the instant matter, DAN LAWTON, ESQ., and RANDY GROSSMAN, ESQ.,  
2 and her attorney in *United States ex rel Newsome v. Family Practice Associates, et al.*, Civil  
3 Action No. 91-1325-E(P) (United States District Court for the Southern District of  
4 California), JOHN J. APPEL, JR., ESQ., shall receive, deposit, conceal, remove, or  
5 sequester the above-described funds, nor shall they obstruct, delay, prevent, or interfere in  
6 any manner with the timely delivery of the above-described funds to the Marshal of San  
7 Diego County.  
8  
9

10 IT IS FURTHER ORDERED that this Order shall be personally served on the  
11 judgment debtor, SARA NEWSOME BURNS, and her attorneys of record in the instant  
12 matter, DAN LAWTON, ESQ., and RANDY GROSSMAN, ESQ., and her attorney in  
13 *United States ex rel Newsome v. Family Practice Associates, et al.*, *supra*, JOHN J. APPEL,  
14 JR., ESQ.  
15

16 NOTICE IS HEREBY GIVEN THAT FAILURE BY THE JUDGMENT  
17 DEBTOR, HER ABOVE-NAMED ATTORNEYS OF RECORD, OR ANY  
18 PERSON ACTING ON HER BEHALF OR UNDER HER CONTROL, TO  
19 COMPLY WITH THIS ORDER MAY SUBJECT SUCH PERSON TO  
20 ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.  
21  
22  
23

24 Dated: December 16, 1998.

25 The foregoing instrument is a full, true and correct  
copy of the original on file in this office.

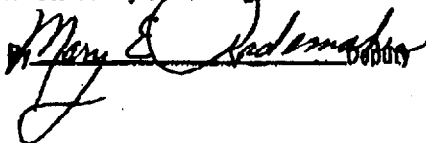
26 Attest: DEC 16 1998

27 KENNETH E. MARTONE

28 Clerk of the Superior Court of the State of California,  
in and for the County of San Diego.

Ronald S. Prager

HONORABLE RONALD S. PRAGER  
Judge of the Superior Court

  
Deputy



**SAMPSON & ASSOCIATES**  
Bryan D. Sampson (#143143)  
2139 First Avenue  
San Diego, CA 92101  
(619) 557-9420/Fax 557-9425

Attorneys for Lien Claimant BRADLEY PROULX

**FILED**

99 JAN 13 PM 2:08

CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA ex rel SARA  
NEWSOME (BURNS),

Plaintiffs,

v.

FAMILY PRACTICE ASSOCIATES, et al.

Defendants.

CASE NO. 91-1325-K(POR)

**NOTICE OF LIEN**

**ALL PARTIES IN THIS ACTION ARE NOTIFIED THAT:**

A lien is created by this Notice under FRCP 69 and Article 5 (commencing with section 708.410) of Chapter 6 of Title 9 of Part 2 of the California Code of Civil Procedure. The lien is based on a money judgment. The right to attach order or the money judgment is entered in the following action: Superior Court of California, San Diego Branch, Bradley Proulx v. Sara Newsome Burns, et al. Date of Entry of Judgment was October 30, 1998.

The name and address of the judgment creditor or person who obtained the right to attach order are (specifically): Bradley Proulx, c/o Casey Gerry Reed & Schenk, 110 Laurel Street, San Diego, CA., 92101. The name and last known address of the judgment debtor or person whose property is subject to the right to

1 attach order are (specifically): Sara Newsome Burns, 4621 Kensington Drive, San  
2 Diego, 92116. The amount required to satisfy the judgment creditor's money  
3 judgment or to secure the amount to be secured by the attachment at the time this  
4 notice of lien is filed is \$231,462.61.

5 The lien created by this notice attached to any cause of action of the person  
6 named in item 5 that is the subject of this action or proceeding and to that person's  
7 rights to money or property under any judgment subsequently procured in this  
8 action or proceeding.

9 No compromise, dismissal, settlement or satisfaction of this action or  
10 proceeding or any of the rights of the person named in item 5 to money or property  
11 under any judgment procured in this action or proceeding may be entered into by  
12 or on behalf of that person, and that person may not enforce any rights to money  
13 or property under any judgment procured in this action or proceeding by a writ or  
14 otherwise, unless one of the following requirements is satisfied:

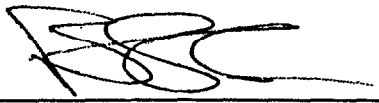
- 15 a. the prior approval by order of the court in this action or proceeding has been  
16 obtained;
- 17 b. the written consent of the person named in item 4 has been obtained or that  
18 person has released the lien; or
- 19 c. the money judgment of the person named in item 4 has been satisfied.

20 **NOTICE: The person named in item 5 may claim an exemption for all or**  
21 **any portion of the money or property within 30 days after receiving notice of**  
22 **the creation of the lien. the Exemption is waived if it is not claimed in time.**

23 DATED: 1-13-99

SAMPSON & ASSOCIATES

24  
25 By:

  
Bryan D. Sampson  
Attorneys for Lien Claimant

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Bryan D. Sampson, Esq. (#14 - 3) SAMPSON & ASSOCIATES 2139 First Avenue San Diego, CA 92101 TELEPHONE NO.: (619) 557-9420 fax (619) 557-9425		FOR COURT USE ONLY
ATTORNEY FOR LIEN CLAIMANT: BRADLEY PROULX NAME OF COURT: UNITED STATES DISTRICT COURT STREET ADDRESS: 880 Front Street, Ste. 4290 MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101-8900 BRANCH NAME: SOUTHERN DISTRICT OF CALIFORNIA		
PLAINTIFF: United States of America ex rel Sara Newsome (Burns)  DEFENDANT: Family Practice Associates, et al.		
<b>NOTICE OF LIEN</b> <b>(Attachment - Enforcement of Judgment)</b>		CASE NUMBER: 91-1325-K(POR)

## ALL PARTIES IN THIS ACTION ARE NOTIFIED THAT

- A lien is created by this notice under
  - ☐ Article 3 (commencing with section 491.410) of Chapter 11 of Title 6.5 of Part 2 of the Code of Civil Procedure.
  - ☒ Article 5 (commencing with section 708.410) of Chapter 6 of Title 9 of Part 2 of the Code of Civil Procedure.
- The lien is based on a
  - ☐ right to attach order and an order permitting the creation of a lien (copies attached).
  - ☒ money judgment.
- The right to attach order or the money judgment is entered in the following action:
  - Title of court (specify): SUPERIOR COURT OF CALIFORNIA, SAN DIEGO BRANCH
  - Name of case (specify): BRADLEY PROULX v. SARA NEWSOME BURNS, et al.
  - Number of case (specify): 711064
  - ☒ Date of entry of judgment (specify): October 30, 1998
  - ☐ Dates of renewal of judgment (specify):
- The name and address of the judgment creditor or person who obtained the right to attach order are (specify):  
BRADLEY PROULX, c/o Casey, Gerry, Reed & Schenk, 110 Laurel St., San Diego, CA 92101
- The name and last known address of the judgment debtor or person whose property is subject to the right to attach order are (specify):  
SARA NEWSOME BURNS, 4621 Kensington Drive, San Diego, CA 92116
- The amount required to satisfy the judgment creditor's money judgment or to secure the amount to be secured by the attachment at the time this notice of lien is filed is  
\$ 231,462.61
- The lien created by this notice attaches to any cause of action of the person named in item 5 that is the subject of this action or proceeding and to that person's rights to money or property under any judgment subsequently procured in this action or proceeding.
- No compromise, dismissal, settlement, or satisfaction of this action or proceeding or any of the rights of the person named in item 5 to money or property under any judgment procured in this action or proceeding may be entered into by or on behalf of that person, and that person may not enforce any rights to money or property under any judgment procured in this action or proceeding by a writ or otherwise, unless one of the following requirements is satisfied:
  - the prior approval by order of the court in this action or proceeding has been obtained;
  - the written consent of the person named in item 4 has been obtained or that person has released the lien; or
  - the money judgment of the person named in item 4 has been satisfied.

**NOTICE** The person named in item 5 may claim an exemption for all or any portion of the money or property within 30 days after receiving notice of the creation of the lien. The exemption is waived if it is not claimed in time.

Date: January 13, 1999

BRYAN D. SAMPSON, ESQ.  
(TYPE OR PRINT NAME)


(SIGNATURE OF LIEN CLAIMANT OR ATTORNEY)



**E I L E D**  
KENNETH E. MARTONE  
Clerk of the Superior Court

OCT 30 1998  
MCEP

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**


BRADLEY PROULX,  
Plaintiff,  
v.  
SARA NEWSOME BURNS,  
Defendant.

CASE NO. 711064

**JUDGMENT**

The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest: **JAN 13 1999**  
KENNETH E. MARTONE  
Clerk of the Superior Court of the State of California,  
in and for the County of San Diego.

By  Deputy

This cause came on for hearing on June 15, 1998, in Department M-25 of the above-entitled court, the Honorable Timothy W. Tower, Judge, presiding. Plaintiff appeared by his attorney T. Michael Reed, and defendant appeared by her attorneys David Tiffany and Randy Grossman.

Jury was waived. Witnesses on the part of both plaintiffs and defendants were sworn and examined. After hearing the evidence and the arguments of counsel, the court subsequently rendered a Statement of Decision as follows: See Statement of Decision attached as Exhibit 1.

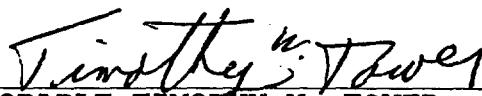
WHEREFORE, by virtue of law, and by reason of the premises aforesaid, it is ordered, adjudged, and decreed that plaintiff

BRADLEY PROULX has and recovers from defendant the sums as follows:

One-third of \$580,000.00 or \$193,333.33 to be paid pro rata as the government pays defendant, plus \$22,267.50 together with interest thereon from July 29, 1991 to the present at the rate of 10% per annum, without compounding, in the amount of \$15,861.78.

Interest, costs and disbursements are to be determined.

WITNESS, the Honorable Timothy W. Tower, Judge of this Court, and my hand and seal of this Court, this 30<sup>th</sup> day of October ~~September~~, 1998.

  
HONORABLE TIMOTHY W. TOWER  
Sitting as Judge of the Superior  
Court

Approved as to form:

\_\_\_\_\_  
Attorneys for Defendant

EXHIBIT "5"

FORM 31

United States Bankruptcy Court  
SOUTHERN DISTRICT OF CALIFORNIA

**Voluntary Petition**

Name of Debtor (If individual, enter Last, First, Middle): Burns, Sara Newsonic	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names): None	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
Soc. Sec./Tax I.D. No. (if more than one, state all): 354-56-0231	Soc. Sec./Tax I.D. No. (if more than one, state all):
Street Address of Debtor (No. & Street, City, State & Zip Code): 4621 Kensington Drive San Diego, CA 92116	Street Address of Joint Debtor (No. & Street, City, State & Zip Code):
County of Residence or of the Principal Place of Business: San Diego	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
Location of Principal Assets of Business Debtor (if different from street address above):	Attorney: L. Scott Keehn, 61691 ROBBINS & KEEHN, APC 530 "B" Street, Suite 2400 San Diego, California 92101 ph: 619-232-1700

**Information Regarding the Debtor (Check the Applicable Boxes)**

Venue (Check any applicable box)

☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

<p>Type of Debtor (Check all boxes that apply)</p> <p><input checked="" type="checkbox"/> Individual(s)      <input type="checkbox"/> Railroad</p> <p><input type="checkbox"/> Corporation      <input type="checkbox"/> Stockbroker</p> <p><input type="checkbox"/> Partnership      <input type="checkbox"/> Commodity Broker</p> <p><input type="checkbox"/> Other _____</p>	<p>Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)</p> <p><input type="checkbox"/> Chapter 7      <input type="checkbox"/> Chapter 11      <input checked="" type="checkbox"/> Chapter 13</p> <p><input type="checkbox"/> Chapter 9      <input type="checkbox"/> Chapter 12</p> <p><input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding</p>
<p>Nature of Debts (Check one box)</p> <p><input checked="" type="checkbox"/> Consumer/Non-Business      <input type="checkbox"/> Business</p>	<p>Filing Fee (Check one box)</p> <p><input checked="" type="checkbox"/> Full Filing Fee attached</p> <p><input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.</p>
<p>Chapter 11 Small Business (Check all boxes that apply)</p> <p><input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101.</p> <p><input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(c) (Optional)</p>	

**Statistics/Administrative Information (Estimates only)**

☒ Debtor estimates that funds will be available for distribution to unsecured creditors.

☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-499	500-over	Filed	01/25/99	210:334n
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Deputy	1 TOPKREYD	
Estimated Assets	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	Rec'd	00110032	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Amount	\$160.00	
Estimated Liabilities	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	More than \$100 million		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

THIS SPACE IS FOR COURT USE ONLY  
99-00811-1313  
BURNS  
JETER, BOWEN  
13  
ORDERED  
U.S. Bankruptcy Court  
Southern District of California



**SAMPSON & ASSOCIATES**

Bryan D. Sampson (#143143)

2139 First Avenue

San Diego, CA 92101

(619) 557-9420/Fax (619) 557-9425

Attorneys for Creditor BRADLEY PROULX

ENTERED JUL 22 1999

FILED

JUL 19 1999

CLERK, U.S. BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

JUL - 6 1999

CLERK, U.S. BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY DEPUTY

In re:

SARA NEWSOME BURNS,

Debtor.

CASE NO. 99-00811-B13

ORDER DISMISSING CASE

Date: 6/28/99

Time: 10:00 a.m.

Ctm: 2

Hon. Louise DeCarl Adler

Creditor BRADLEY PROULX's objection to Debtor SARA NEWSOME BURNS Chapter 13 petition under 11 U.S.C. §109(e) came before this court on the above date and time upon evidentiary hearing, the Honorable Louise DeCarl Adler, presiding. Creditor BRADLEY PROULX appeared through his counsel, Bryan D. Sampson. Debtor SARA NEWSOME BURNS appeared through her counsel, L. Scott Kheen. Upon reviewing the pleadings filed by the parties, hearing oral argument and hearing evidence presented by both parties, and *for the reasons set forth in that letter opinion filed July 1, 1999,*

THE COURT HEREBY FINDS that Debtor's non-contingent, liquidated, unsecured debts total \$270,146.84. Therefore, Debtor does not qualify for Chapter 13 relief under 11 U.S.C. §109(e) and, therefore,

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1 IT IS HEREBY ORDERED that Creditor BRADLEY PROULX;'s objection to Debtor's  
2 Chapter 13 petition is sustained and that Debtor SARA NEWSOME BURNS' Chapter 13  
3 case is hereby dismissed.


4 IT IS SO ORDERED.

5  
6 DATED: 19 July 99

  
Judge, United States Bankruptcy Court

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9 NOTICE: Signature by the attorney constitutes a certification under Federal Rule of  
10 Bankruptcy Procedure 9011 that the relief provided by the Order is the relief  
11 granted by the Court.

12 Submitted by:

  
Bryan D. Sampson

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27 In re: Sara Newsome Burns  
Case No.: 99-00811-B13  
28 Order Dismissing Case





ENTERED	7-21-99
FILED	
JUL 19 1999	
CLERK, U.S. BANKRUPTCY COURT SOUTHERN DISTRICT OF CALIFORNIA	
BY	105 DEPUTY

L. Scott Keehn (SBN 61691)  
 Lisa L. Keehn (SBN 167696)  
**ROBBINS & KEEHN**  
 A Professional Corporation  
 530 "B" Street, Suite 2400  
 San Diego, California 92101  
 Telephone: (619) 232-1700

Attorneys for Debtor  
**SARA NEWSOME BURNS**

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

In re:  
**SARA NEWSOME BURNS**, an individual,  
  
 Debtor.

) CASE NO. 99-00811-B13  
 )  
 ) **[PROPOSED] ORDER ON**  
 ) **EMERGENCY MOTION FOR STAY**  
 ) **PENDING APPEAL OR**  
 ) **ALTERNATIVELY, FOR A**  
 ) **TEMPORARY STAY PENDING THE**  
 ) **COURT'S ORDER ON A REGULARLY-**  
 ) **NOTICED MOTION FOR STAY**  
 ) **PENDING APPEAL**  
 )  
 ) **[NO HEARING CURRENTLY**  
 ) **SCHEDULED]**  
 )  
 ) **HONORABLE LOUISE DeCARL**  
 ) **ADLER**

Upon the Motion of SARA NEWSOME BURNS, the Chapter 13 debtor herein (the "Debtor")  
 for an order pursuant to Rule 8005 of the Federal Rules of Bankruptcy Procedure staying any order  
 dismissing these proceedings pending a final order on appeal, or alternatively, for an order granting  
 a temporary stay of any order dismissing these proceedings pending this Court's order on a regularly  
 noticed motion for a stay of the order dismissing these proceedings pending appeal, the Motion having  
 been personally served on all interested parties,

/////

/////

**ROBBINS & KEEHN, APC**  
 ATTORNEYS AT LAW  
 2400 UNION BANK BUILDING - 530 "B" STREET  
 SAN DIEGO, CALIFORNIA 92101  
 TELEPHONE (619) 232-1700 • TELECOPIER (619) 544-9095

1 **IT IS HEREBY ORDERED** that:

2 1.0 The Motion is GRANTED; and

3 2.0 Without limiting the generality of the relief granted in paragraph 1.0 above, the Court  
4 further and specifically orders that:

5 2.1 Any order dismissing these proceedings is stayed pending a final order on  
6 appeal; or

7 2.2 Any order dismissing these proceedings is stayed temporarily pending an order  
8 from this Court on a regularly noticed motion for a stay pending appeal.

9  
10 Dated: \_\_\_\_\_ Judge, United States Bankruptcy Court  
11

12 Signature by the attorney constitutes a certification under Fed. R. Bankr. P. 9011 that the relief  
13 provided by the order is the relief granted by the court.

14 **ROBBINS & KEEHN**  
15 **A Professional Corporation**

**NOT APPROVED**

Date: JUL 19 1999

16  
17 By: \_\_\_\_\_

18 L. Scott Keehn  
19 Lisa L. Keehn  
20 Attorneys for Debtor  
21 SARA NEWSOME BURNS  
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Bankruptcy Judge

IN RE SARA NEWSOME BURNS  
CASE NO. 99-00811-B13  
PROPOSED ORDER ON EMERGENCY MOTION  
FOR STAY PENDING APPEAL ETC.

ROBBINS & KEEHN, APC  
ATTORNEYS AT LAW  
2400 UNION BANK BUILDING - 530 "B" STREET  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE (619) 232-1700 TELECOPIER (619) 544-9095



UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE NINTH CIRCUIT

In re	)	BAP No.	SC-99-1445
	)		
SARA NEWSOME BURNS,	)	Bk. No.	99-00811-B13
	)		
Debtor.	)		
	)		
<hr/> SARA NEWSOME BURNS,	)		
	)		
Appellant,	)		
v.	)	ORDER	
	)		
BRADLEY PROULX; THOMAS H.	)		
BILLINGSLEA, Jr., Chapter 13	)		
Trustee,	)		
Appellees.	)		
	)		

FILED

AUG 04 1999

NANCY B. DICKERSON, CLERK  
U.S. BKCY. APP. PANEL  
OF THE NINTH CIRCUIT

Before: KLEIN and PERRIS, Bankruptcy Judges.

Appellant's Motion for Stay Pending Appeal has been received  
and reviewed. The motion is hereby ORDERED DENIED.



L. Scott Keehn (SBN 61691)  
 Lisa L. Keehn (SBN 167696)  
**ROBBINS & KEEHN**  
 A Professional Corporation  
 530 "B" Street, Suite 2400  
 San Diego, CA 92101  
 Telephone: (619) 232-1700  
 Facsimile: (619) 544-9095

Attorneys for Appellant  
 SARA NEWSOME BURNS

**UNITED STATES BANKRUPTCY APPELLATE PANEL  
 OF THE NINTH CIRCUIT**

In re:	)	<b>BAP NO. SC-99-1445</b>
SARA NEWSOME BURNS, an individual	)	<b>BK. CASE NO. 99-00811-B13</b>
Debtor.	)	<b>APPEAL NO. 1</b>

SARA NEWSOME BURNS,	)	<b>NOTICE OF FILING OF BANKRUPTCY              COURT ORDER FROM WHICH APPEAL              IS BEING TAKEN AND DESIGNATION              OF ADDITIONAL ITEM FOR RECORD              ON APPEAL</b>
Appellant,	)	
v.	)	
BRADLEY PROULX; CHAPTER 13 TRUSTEE,	)	
Appellees.	)	

**TO: ALL PARTIES HEREIN AND THEIR COUNSEL OF RECORD:**

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1       **PLEASE TAKE NOTICE THAT**, attached hereto, marked Exhibit A and incorporated herein  
2 by this reference is a filed-stamped and executed copy of the "ORDER DISMISSING CASE" from  
3 which the instant appeal is being taken (the "Order"). Appellant Sara Burns respectfully submits the  
4 Order pursuant to Rule 6 of the Rules of the Bankruptcy Appellate Panel, and hereby designates the  
5 Order as an additional item for the record on appeal.

6  
7 DATED: 07/30/99  
8  
9

Respectfully submitted,

**ROBBINS & KEEHN**

A Professional Corporation

10  
11 By:   
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L. Scott Keehn

Lisa L. Keehn

Attorneys for Debtor/Appellant

SARA NEWSOME BURNS  
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Name, Address, Telephone No. Case No. 99-33191-PB7  
 Bryan D. Sampson 557-9420 Phone  
 SAMPSON & ASSOCIATES 55 25 Fax  
 2139 First Avenue  
 San Diego, CA. 92101  
 (SBN #143143)

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF CALIFORNIA  
 325 West "F" Street, San Diego, California 92101-6991

Re SARA NEWSOME BURNS

BANKRUPTCY NO. 99-0081-B13

Debtor.

### NOTICE OF ENTRY

#### OF THE PARTIES IN INTEREST NAMED BELOW:

You are hereby notified that on JUL 22 1999, this Court entered in the docket for the above-titled case the following Judgment [or Order], to wit:  
 ORDER DISMISSING CASE

I hereby certify that a copy of this notice was mailed to the parties of interest on this date: [check as appropriate]

- X] UNITED STATES TRUSTEE, Department of Justice, 402 West Broadway, Suite 600, San Diego, CA 92101
- X] THOMAS H. BILLINGSLEA, JR., TRUSTEE, 530 "B" Street, Suite 1500, San Diego, CA 92101  
 (For Chapter 13 cases numbered 90-08445 or lower and ODD numbers beginning with 92-01217)
- ] DAVID L. SKELTON, TRUSTEE, 620 "C" Street, Suite 413, San Diego, CA 92101-5312  
 (For Chapter 13 cases numbered 90-08446 to 92-01215 and EVEN numbers beginning with 92-01216)
- ] Chapter 7 Trustee:

In addition: [Continue on reverse, if necessary]

L. Scott Keehn  
 Robbins & Keehn  
 530 "B" Street, Suite 2400  
 San Diego, CA. 92101

DATED: JUL 22 1999

Barry K. Lander, Clerk

By: [Signature], Deputy Clerk

1190

EXHIBIT A



**SAMPSON & ASSOCIATES**

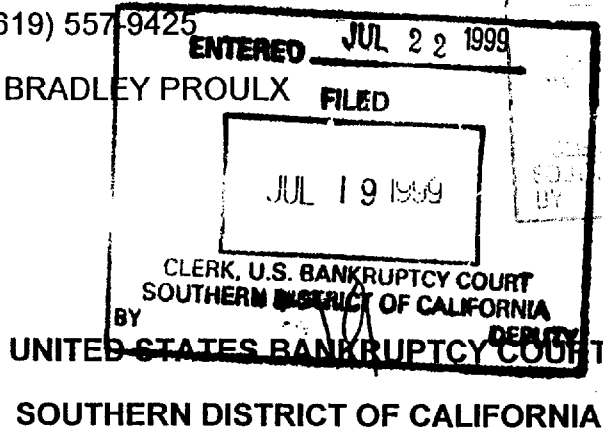
Bryan D. Sampson (#143143)

2139 First Avenue

San Diego, CA 92101

(619) 557-9420/Fax (619) 557-9425

Attorneys for Creditor BRADLEY PROULX



In re:

SARA NEWSOME BURNS,

Debtor.

CASE NO. 99-00811-B13

ORDER DISMISSING CASE

Date: 6/28/99

Time: 10:00 a.m.

Ctm: 2

Hon. Louise DeCarl Adler

Creditor BRADLEY PROULX's objection to Debtor SARA NEWSOME BURNS Chapter 13 petition under 11 U.S.C. §109(e) came before this court on the above date and time upon evidentiary hearing, the Honorable Louise DeCarl Adler, presiding. Creditor BRADLEY PROULX appeared through his counsel, Bryan D. Sampson. Debtor SARA NEWSOME BURNS appeared through her counsel, L. Scott Kheen. Upon reviewing the pleadings filed by the parties, hearing oral argument and hearing evidence presented by both parties, and ~~good cause appearing,~~ *for the reasons set forth in that letter opinion filed July 1, 1999,*

THE COURT HEREBY FINDS that Debtor's non-contingent, liquidated, unsecured debts total \$270,146.84. Therefore, Debtor does not qualify for Chapter 13 relief under 11 U.S.C. §109(e) and, therefore,

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1 IT IS HEREBY ORDERED that Creditor BRADLEY PROULX;'s objection to Debtor's  
2 Chapter 13 petition is sustained and that Debtor SARA NEWSOME BURNS' Chapter 13  
3 case is hereby dismissed.


4 IT IS SO ORDERED.

5  
6 DATED: 19 July 99

  
Judge, United States Bankruptcy Court

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10 Bankruptcy Procedure 9011 that the relief provided by the Order is the relief  
11 granted by the Court.

12 Submitted by:

  
Bryan D. Sampson

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27 In re: Sara Newsome Burns  
Case No.: 99-00811-B13  
28 Order Dismissing Case